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September 21, 2010

VIA ECF AND U.S. MAIL

Honorable Patty Shwartz
United States Magistrate Judge
Frank R. Lautenberg United States Post Office and
Courthouse Building, Rm. 477, P.O. Box 999
Newark, New Jersey 07101

**Re: BK License, Inc., et al., v. Wegmans Food Markets, Inc.
Civil Action No. 2:09-cv-05500 (KSH) (PS)**

Dear Judge Shwartz:

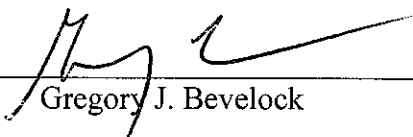
This firm is local counsel to defendant, Wegmans Food Markets, Inc. ("Wegmans"), in the above-referenced matter. We are writing to respectfully request that Wendell W. Harris, Esq., of Nixon Peabody LLP, be admitted *pro hac vice* in this matter on behalf of Wegmans. Counsel for plaintiffs has consented to the *pro hac vice* admission of Mr. Harris.

In support of this application, and in accordance with L. Civ. R. 101.1(c), we enclose the Certification of Gregory J. Bevelock, Esq., the certification of Mr. Harris and an Order for his admission *pro hac vice*.

We thank Your Honor for Your consideration of this matter.

Respectfully submitted,

DeCOTIIS, FITZPATRICK & COLE LLP

By: 
Gregory J. Bevelock

Encl.

c: Neil B. Friedman, Esq. (*via ECF and e-mail*)
Stephen L. Baker, Esq. (*via ECF and e-mail*)
Wendell W. Harris, Esq.



Gregory J. Bevelock
DECOTIIS, FITZPATRICK & COLE, LLP
Glenpointe Centre West
500 Frank W. Burr Boulevard, Suite 31
Teaneck, New Jersey 07666
(201) 928-1100
Attorneys for Defendant
Wegmans Food Markets, Inc.

**IN THE UNITED STATES DISTRICT COURT
THE DISTRICT OF NEW JERSEY**

BK LICENSE, INC., JO-LYN LIQUORS,
INC., LIVINGSTON BOTTLE KING,
INC., ROCK LIQUORS, INC.,
HILLSDALE BOTTLE KING, INC.,
RAMSEY BOTTLE KING, INC., WAYNE
BOTTLE KING 23, INC.,
HILLSBOROUGH BOTTLE KING, INC.,
MANSFIELD BOTTLE KING, INC.,
RIDGE BOTTLE KING, INC.,
LEDGEWOOD BK, INC., CHATHAM
BOTTLE KING, INC., SHREEJI &
RUCHI, INC., MIDDLETOWN BOTTLE
KING, INC., AND DUMONT BK, LLC,

Plaintiffs,

v.

WEGMANS FOOD MARKETS, INC.,

Defendant.

Civil Action No. 2:09-cv-05500-KSH-PS

ORDER ADMITTING COUNSEL *PRO HAC VICE*

This matter having been brought before the Court on Motion of DeCotiis, Fitzpatrick & Cole, LLP, attorneys of record for defendant Wegmans Food Markets, Inc. (referred to as “defendant” or “Wegmans”) for the entry of an Order admitting Wendell W. Harris, Esq. of the law firm Nixon Peabody LLP to appear and participate *pro hac vice* for defendant; and with Counsel for all parties having consented to entry of such an

Order; and the Court having considered the written submissions of the parties, and for good cause shown

IT IS on this ____ day of September, 2010,

ORDERED that Wendell W. Harris is hereby admitted *pro hac vice* in this matter on behalf of defendant pursuant to L.Civ.R. 101(c); and it is further

ORDERED that Wendell W. Harris shall abide by the disciplinary rules of this Court; and it is further

ORDERED that Wendell W. Harris shall, for the duration of the time that he serves as co-counsel *pro hac vice* in these matters, make annual payments to the New Jersey Lawyers' Fund for Client Protection as provided by New Jersey Court Rule 1:28-2(a); and it is further

ORDERED that Wendell W. Harris shall notify the Court immediately of any disciplinary matter affecting his standing at the Bar of any jurisdiction; and it is further

ORDERED that Wendell W. Harris shall have all pleadings, briefs and other papers filed with the Court in the above-captioned matters signed by Gregory J. Bevelock or his partners or associates as the attorneys of record in this matter pursuant to L.Civ.R. 101.1(c)(3); and it is further

ORDERED that Gregory J. Bevelock shall be responsible for all papers filed, for the conduct of this cause and for the conduct of Wendell W. Harris as co-counsel *pro hac vice* in the above-captioned matters; and it is further

ORDERED that noncompliance with any of these requirements shall constitute grounds for removal.

Hon. Patty Shwartz, U.S.M.J.

Gregory J. Bevelock
DECOTIIS, FITZPATRICK & COLE, LLP
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(201) 928-1100
Attorneys for Defendant
Wegmans Food Markets, Inc.

**IN THE UNITED STATES DISTRICT COURT
THE DISTRICT OF NEW JERSEY**

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RUCHI, INC., MIDDLETOWN BOTTLE
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Plaintiffs,

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WEGMANS FOOD MARKETS, INC.,

Defendant.

Civil Action No. 2:09-cv-05500-KSH-PS

**CERTIFICATION OF GREGORY J.
BEVELOCK IN SUPPORT OF THE
ADMISSION OF WENDELL W.
HARRIS, ESQ. *PRO HAC VICE***

I, Gregory J. Bevelock, of full age, hereby certify:

1. I am an attorney at law in the State of New Jersey, and a partner with the law firm of DeCotiis, FitzPatrick & Cole, LLP. My firm has been engaged to serve as local counsel in the above-captioned matter on behalf of defendant Wegmans Food Markets, Inc. (referred to as "defendant" or "Wegmans").

2. Defendant Wegmans Food Markets, Inc. desires to have Wendell W. Harris, Esq. of the law firm Nixon Peabody LLP, with offices located at 1100 Clinton Square, Rochester, New York 14604 admitted *pro hac vice* for purposes of representing it in the instant litigation.

3. Plaintiffs' attorney Neil B. Friedman of the law firm Baker and Rannells, PA have advised that he has no objection to the admission of Mr. Harris *pro hac vice*.

4. I am a member in good standing and admitted to practice before the bars of the State of New Jersey and for the United States District Court for the District of New Jersey.

5. Wendell W. Harris, Esq. is a member of the firm of Nixon Peabody LLP, and is an attorney in good standing licensed to practice law in the State of New York. See accompanying certification.

6. Because of Nixon Peabody LLP's knowledge and experience with the issues in dispute, defendant Wegmans Food Markets, Inc. has requested that an application be made for Mr. Harris' admission *pro hac vice*. Accordingly, I respectfully request that, in accordance with L. Civ. R. 101(c), Mr. Harris be admitted *pro hac vice* to the United States District Court for the District of New Jersey for purposes of participating in the instant litigation.

7. All pleadings, briefs, and other papers filed with the Court in this matter shall be signed by me or members or associates of DeCotiis, FitzPatrick & Cole, LLP, as the attorneys of record who are authorized to practice law in the State of New Jersey pursuant to L. Civ. R. 101.1.

8. If admitted *pro hac vice*, Mr. Harris will conduct himself in accordance with the rules regulating and governing conduct of attorneys before this Court and will strictly observe the dates fixed for scheduling conferences, motions, briefs, pre-trial conferences, trial and any other proceedings.

9. If admitted *pro hac vice*, Mr. Harris will make payment to the New Jersey Lawyers' Fund for Client Protection in accordance with New Jersey Court Rule 1:28-2(a).

10. I have discussed this application with counsel for plaintiffs, and he has consented to the *pro hac vice* admission of Mr. Harris in this matter.

11. I hereby agree to be responsible for all papers filed, court appearances and for the conduct of the case in this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 21, 2010

/s Gregory J. Bevelock

Gregory J. Bevelock

Gregory J. Bevelock
DECOTIIS, FITZPATRICK & COLE, LLP
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Attorneys for Defendant
Wegmans Food Markets, Inc.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

BK LICENSE, INC., JO-LYN LIQUORS,
INC., LIVINGSTON BOTTLE KING, INC.,
ROCK LIQUORS, INC., HILLSDALE
BOTTLE KING, INC., RAMSEY BOTTLE
KING, INC., WAYNE BOTTLE KING 23,
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BOTTLE KING, INC., SHREEJI & RUCHI,
INC., MIDDLETOWN BOTTLE KING, INC.,
AND DUMONT BK, LLC,

Plaintiffs,

v.

WEGMANS FOOD MARKETS, INC.,

Defendant.

Civil Action No. 2:09-cv-05500-KSH-PS

**CERTIFICATION OF WENDELL W. HARRIS IN SUPPORT OF
DEFENDANT'S MOTION FOR ADMISSION *PRO HAC VICE***

I, WENDELL W. HARRIS, of full age, hereby certify as follows:

1. I am a member of the law firm of Nixon Peabody, LLP with offices at 1300 Clinton Square, Rochester, New York 14610. I submit this certification in support of the motion by defendant, Wegmans Food Markets, Inc. ("Defendant"), to have me admitted to this Court *pro hac vice* in the above-captioned matter pursuant to L.Civ.R. 101.1(c).

2. I have been requested by Defendant to assist in representing its interests in the above-captioned matter. Because of my knowledge and experience with the issues in dispute, Defendant has requested that an application be made for my admission *pro hac vice*.

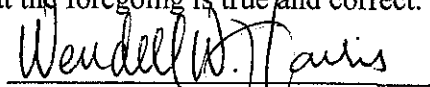
3. I am a member in good standing of the bars of the State of New York and the State of Illinois and am in good standing and admitted to practice before the State of Illinois Supreme Court, State of New York Court of Appeals, U.S. Court of Appeals for the Federal Circuit, U.S. Court of Appeals for the Ninth Circuit, U.S. District Court for the Western District of New York, U.S. District Court for the Northern District of Illinois, U.S. District Court for the Central District of Illinois, and U.S. District Court for the Eastern District of Wisconsin.

4. There are no disciplinary proceedings pending against me in any jurisdiction and no discipline has previously been imposed on me in any jurisdiction. I shall notify this Court immediately of any matter affecting my standing at the bar of any court.

5. I am associated in this matter with Gregory J. Bevelock of the firm DeCotiis, Fitzpatrick & Cole, LLP, who is counsel of record for Defendant, is admitted to practice in, and is a member in good standing for the United States District Court for the District of New Jersey.

6. I have read and will abide by the Local Civil Rules for the District of New Jersey and will make the appropriate contributions to the New Jersey Lawyers' Fund for Client Protection as provided by New Jersey Court Rule 1:28-2(a).

I declare under penalty of perjury that the foregoing is true and correct.


WENDELL W. HARRIS

Dated: September 20, 2010